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Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA,**  
**LOS ANGELES DIVISION**

In re

GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**NOTICE OF APPLICATION BY CHAPTER  
7 TRUSTEE FOR AUTHORITY TO  
JOINTLY EMPLOY THREESIXTY ASSET  
ADVISORS, LLC AND JOHN MORAN  
AUCTIONEERS, INC. AS AUCTIONEERS;  
TO AUTHORIZE PUBLIC SALE BY  
AUCTIONEER AND TO PAY AUCTIONEER  
UPON CONCLUSION OF SALE IN  
ACCORDANCE WITH THE TERMS  
HEREOF**

**[11 U.S.C. § 327, FED.R. BANKR. P. 2014  
AND LOC. BANKR. R. 2014-1(B)]**

**Auction Date: To Be Set**

No Hearing Date Required]

**TO THE HONORABLE BARRY RUSSELL, UNITED STATE BANKRUPTCY JUDGE,  
OFFICE OF THE UNITED STATES TRUSTEE, CREDITORS AND ALL INTERESTED  
PARTIES:**

Elissa D. Miller, the Chapter 7 Trustee (the "Trustee") for Girardi Keese (the  
"Debtor") has filed her *"Application By Chapter 7 Trustee For Authority To Jointly Employ  
ThreeSixty Asset Advisors, LLC and John Moran Auctioneers, Inc. As Auctioneer; To  
Authorize Public Sale By Auctioneer And To Pay Auctioneer Upon Conclusion Of Sale in  
Accordance with the Terms Hereof; Statements Of Disinterestedness; Declaration In*

1 *Support Thereof*" (the "Application") pursuant to which she seeks authority to retain  
2 ThreeSixty Asset Advisors, LLC ("360") and John Moran Auctioneers, Inc. ("Moran" and  
3 together with 360, "360Moran") as her auctioneer to sell personal property of the estate  
4 consisting of the Erika Jayne Girardi Diamond Stud Earrings (approx. 7 carat weight  
5 each) (the "Erika Earrings") as well as miscellaneous other jewelry (the "Friend's Jewelry"  
6 and together with the Erika Earrings, the "Girardi Jewelry")

7 **PLEASE TAKE FURTHER NOTICE** that the Trustee desires to employ 360Moran  
8 on the terms and conditions stated in Auction Proposal which is attached to the  
9 Application as **Exhibit 1**. After consulting with 360Moran and after 360Moran obtains the  
10 GIA certifications on the Earrings, the Trustee and 360Moran will set an estimated value  
11 and reserve on the Earrings based on market values in the Rapaport Guide as of  
12 December, 2022.<sup>1</sup> However, the Trustee will retain discretion to authorize the sale of the  
13 Earrings even if the reserve has not been met. The Trustee believes that the auction  
14 value of the Friend's Jewelry is between \$10,000 and \$15,000.

15 **PLEASE TAKE FURTHER NOTICE** that 360Moran has determined that it does  
16 not represent any creditor with an interest adverse to the estate. See Declarations of Jeff  
17 Tanenbaum and Jeff Moran attached to the Application. 360Moran does not currently  
18 represent any other entity involved in this case and is disinterested as that term is defined  
19 in 11 U.S.C. § 101(14), as it represents and believes that it holds no interest adverse to  
20 the interest of the estate with respect to the matters on which it will be employed.

21 **PLEASE TAKE FURTHER NOTICE** that the Sale will be conducted concurrently  
22 as an Internet Auction and Live Auction on the best date to ensure maximum participation  
23 and so not to conflict with other jewelry auctions between December 5, 2022 and  
24 December 16, 2022, and to allow for optimal advertising including displaying the Earrings  
25 to potential purchasers on both coasts, advertising the Girardi Jewelry Auction at the  
26 September auction of the TVG Personal Property and on both of 360 and Moran's

27 \_\_\_\_\_  
28 <sup>1</sup> See discussion of Rappaport guide on page 4 of Auction Proposal, **Exhibit 1**.

1 websites, various auction platforms and in social media all as detailed in the Auction  
2 Proposal. The Auction date will also take advantage of the holiday shopping period.

3 **PLEASE TAKE FURTHER NOTICE** that 360Moran has been advised of and has  
4 agreed to accept employment by the estate subject to the provisions of 11 U.S.C.  
5 §328(a). 360 will be not be paid a commission on the proceeds from the estate but will  
6 be compensated through a buyer's premium. The buyer's premium for The Girardi  
7 Jewelry is on a sliding scale per item sold:

8 25% of the first \$500,000

9 18% from \$500,000 to \$1,000,000

10 15% over \$1,000,000<sup>2</sup>

11 360Moran will also be entitled to collect their out of pocket costs. The estimated  
12 costs of \$24,600 include: 1) Bond: At cost - typically \$5 per \$1,000 ( est. to be \$2,800  
13 based on current estimated replacement/auction value of the Girardi Jewelry); 2)  
14 Insurance: 1% of sale/hammer price (est. at \$5,610); 3) GIA Certificates for both sets of  
15 earrings \$1,300; 4) Armored Transport to/from GIA Cert site and to/from NY & Private  
16 Viewings: \$750; 5) Security: \$3,200 (for showings in New York and Los Angeles); and 6)  
17 Marketing: Capped at \$10,400.

18 **PLEASE TAKE FURTHER NOTICE** that the Trustee is informed and believes that  
19 the employment of 360Moran upon the foregoing terms is fair, equitable and in the best  
20 interests of the estate, and therefore the employment of 360Moran on said terms should  
21 be approved.

22 **PLEASE TAKE FURTHER NOTICE** that if you wish to receive a copy of the  
23 Application, you may obtain a copy by requesting one in writing from the Trustee Elissa  
24 D. Miller, at 333 South Grand Avenue, Suite 3400, Los Angeles, California 90071, by  
25

26 \_\_\_\_\_  
27 <sup>2</sup> For lots selling on the LiveAuctioneers.com or BidSquare.com platforms, the buyers'  
28 premium scale will increase by 5% at each level based on their additional charges. In  
addition, buyers will be charged applicable sales tax.

1 facsimile (954)771.9264 or email at elisa.miller@gmlaw.com. The Application will be  
2 promptly provided upon written request.

3 **PLEASE TAKE FURTHER NOTICE** that pursuant to Local Bankruptcy Rule 2014-  
4 1(b)(3), if you wish to object to the Application, you must file a written objection and  
5 request for a hearing, in the form required by Local Bankruptcy Rule 9013-1(f)(1), within  
6 14 days of the date this notice was served, plus an additional 3 days unless this notice  
7 was served upon you by personal delivery or posting as described in Federal Rule of Civil  
8 Procedure 5(b)(2)(A)-(B).

9 If any such response is timely received, the Trustee will set a hearing date and  
10 send out notice thereof. No hearing will be held if no response and request for hearing is  
11 received. Pursuant to Local Bankruptcy Rule 9013-1(h), the failure to timely file and  
12 serve an opposition to the Application may be deemed as your consent to the granting of  
13 the Application. If you do not oppose the Application, you need not take any further  
14 action.

15 DATED: August 30, 2022

Respectfully submitted,

16  
17 /s/ Elissa D. Miller

Elissa D. Miller

Chapter 7 Trustee

18  
19 Date of Mailing: August 30, 2022  
20  
21  
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23  
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26  
27  
28

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF APPLICATION BY CHAPTER 7 TRUSTEE FOR AUTHORITY TO JOINTLY EMPLOY THREESIXTY ASSET ADVISORS, LLC AND JOHN MORAN AUCTIONEERS, INC. AS AUCTIONEERS; TO AUTHORIZE PUBLIC SALE BY AUCTIONEER AND TO PAY AUCTIONEER UPON CONCLUSION OF SALE IN ACCORDANCE WITH THE TERMS HEREOF** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) August 30, 2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

See Attached ECF List

☒ Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) August 30, 2022, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 30, 2022

*Date*

Cheryl Caldwell

*Printed Name*

/s/Cheryl Caldwell

*Signature*

**ADDITIONAL SERVICE INFORMATION (if needed):**

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